

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

NIKOLAY RASTORGUEV

Plaintiff,

V.

**DAVID SEPIACHVILI,
DAVID A. SEPIASHVILI,
ATERRA EXPLORATION, LLC,
SOUTHTEX ENERGY CORP.,
LEVEL ONE ADVISORS, INC., and
TIGHT ROCK COMPANY, LLC,**

Defendants.

[illegible]

Civil Action No. 5:18-CV-00966-FB

**MOTION FOR CONFIRMATION OF ADR AWARD AND
ENTRY OF FINAL JUDGMENT**

September 8, 2021

Respectfully submitted,

RAYMOND J. MARKOVICH

351 Westbourne Drive
West Hollywood, CA 90048
(323) 401-8032
Fax: (212) 634-4546
rjmarkovich@me.com

By: /s/ Raymond J. Markovich

Raymond J. Markovich
New York Bar No. 2582419
Pro Hac Vice

ATTORNEY FOR PLAINTIFF

On September 8, 2021, Plaintiff Nikolay Rastorguev (“Plaintiff”) had served his Notice Of ADR Outcome [Dkt 74] with a copy of the ADR Award [Dkt 74-1], Proposed Order [Dkt 74-2] and Proposed Judgment [Dkt 74-3] but was recently informed by this Court that he must file the documents as a motion even though the initial ADR Award in this Action had been served and entered as a Notice [Dkt 49, 54, 56-57]. Therefore, Plaintiff hereby serves this Motion For Confirmation Of ADR Award And Entry Of Final Judgment and respectfully requests this Court for the relief requested below.

I. FACTS

On August 14, 2020, this Court entered Partial Final Judgment that Plaintiff Nikolay Rastorguev recover on all claims related to the Special Purpose Loan Agreement (“SPLA”) from, jointly and severally, Defendants David A. [sic] Sepiachvilli, David A. Sepiashvili, Aterra Exploration, LLC, Southtex Energy Corp. and Tight Rock Company, LLC the amount of \$1,782,906 plus post-judgment interest of 4% per annum from June 1, 2020 until paid in full [Dkt 57]. The Action was tried by Arbitrator Richard Alsup with an award issued on March 25, 2020 [Dkt 49-1].

On August 14, 2020, this Court entered an Order [Dkt 58] granting Defendants’ Second Motion to Compel Arbitration [Dkt 45] as to all claims related to the Austin Chalk Development Project (“Austin Chalk”) [Cplt., at 10–15].

In compliance with this Court’s Order [Dkt 58], the Parties arbitrated the Austin Chalk claims in June 2021 in San Antonio, Texas. Arbitrator Harper Estes, Esq. issued an award dated August 26, 2021 in Plaintiff’s favor in the amount of \$993,275 plus post-judgment interest of 5% per annum from September 25, 2021 until paid in full (“Award”) [Dkt 74-1]. The Award was received by Plaintiff on August 27, 2021, just after Plaintiff had filed the Eighth Joint Status Report

[Dkt 73] in this Action. On September 8, 2021, counsel for Plaintiff met and conferred with counsel for Defendants and advised that Plaintiff would be serving Notice Of ADR Outcome.

II. PRAYER

Plaintiff hereby respectfully moves for this Court to confirm the Award by order and enter final judgment on both the SPLA and Austin Chalk claims.

ECF SERVICE

This is to certify that on December 12, 2021, a true and correct copy of the foregoing was served electronically upon all parties receiving notice via the Court's ECF/PACER system.

By: /s/ Raymond J. Markovich

Raymond J. Markovich

New York Bar No. 2582419

Pro Hac Vice

ATTORNEY FOR PLAINTIFF